

This record is a partial extract of the original cable. The full text of the original cable is not available.

271458Z Jun 05

UNCLAS SECTION 01 OF 02 ABUJA 001140

SIPDIS

E.O. 12958: N/A

TAGS: PHUM PGOV KCRM NI HUMANRIGHTS

SUBJECT: LAWYERS ACCUSE POLICE AUTHORITIES OF HUMAN RIGHTS ABUSES

1. Summary: The uneasy relationship between the Nigerian Bar Association (NBA) and the Nigerian Police continues in Kogi State and Abuja. In late March in Kogi State, the NBA accused the police force of committing "gross" Human Rights abuses, while the police responded that the lawyers were helping criminals escape justice. Meanwhile, NBA members in Abuja asked the police to stop acting as prosecutors in court, a role the lawyers say is exclusively theirs. The national executive council of NBA called on the Justice Minister to immediately direct the Inspector General of Police and his police commissioners to "desist forthwith from engaging in the initiation and prosecution of criminal cases in the law courts." End Summary.

Accusations Fly in Kogi State

2. On March 23, 2005, a dispute between members of the Nigerian Bar Association and Nigerian Police, erupted in Lokoja, capital of the Middle Belt state of Kogi. The NBA's Kogi State chairman, Salisu Umar, called a press conference at the auditorium of the Nigerian Union of Journalists (NUJ) to accuse the Kogi State Commissioner of Police (COP), Mr. Bamidele Thomas, of committing gross human rights abuses in the state. He issued an ultimatum to the Police Headquarters for the removal of the COP within seven days. Umar accused the COP of disregarding the rule of law, detaining suspects in police cells without charges for more than 24 hours, personally collecting money as a condition for granting bail, and refusing to release suspects even on court orders.

3. The lawyer accused the accused the Edo State-born COP of "terrorizing and clamping into unlawful detention at the CID cell and other detention centers scores of indigenes of Kogi State." He said, "in fact, the Kogi State police headquarters is now a concentration camp; innocent people are dying daily in their cells with no medical care and food, while even students between the ages of 16-20 are chained among hardened criminals." According to Umar, the NBA is upset at the human rights violations committed by the Police. "Every day," he alleged, the COP carries out unlawful arrests, and courts cannot stop him because "he has failed to even carry out court orders." The Kogi state NBA called on all lawyers in the country to stand up against "police interference" and defend "the integrity and dignity of the courts by insisting that the police at all levels obey legitimate court orders."

4. In a swift reaction, the COP, Mr. Bamidele Thomas, himself a trained lawyer, held a press conference that day, claiming that the lawyers were being "uncharitable" to him. He accused the lawyers in the state of abetting criminals and said the accusation of human rights violations was untrue. "On different occasions, I have reported some judges to the state chief judge to caution them, on how they release confessed armed robbers," Thomas said. "When we arrest armed robbers who even confessed to the crime, the same lawyers will run to the court to seek bail for [them], and the court will grant them bail because the lawyers have misled the judges." He accused some politicians in the state of engineering the NBA call for his removal.

And the Quarrel Continues in Abuja

5. On March 30, the Abuja NBA also protested the ill treatment lawyers receive when they come to police stations on their clients' behalf. Mr. Jude Okeke, Abuja NBA chairman also questioned the propriety of police standing in as prosecutors in courts, a role Mr. Okeke said belongs exclusively to lawyers. Okeke accused the police of "frustrating" lawyers by losing records of court proceedings and records of suspects in

police custody. He described "most embarrassing instances of reported cases of missing police records."

The NBA's Governing Body Enters the Fray

16. In February 2005, the NBA national executive council held a conference in the northeast state of Adamawa to discuss, among other issues, police interference in the judicial process. A communique signed by the NBA National Secretary, Mr. Nimi Walson-Jack, called on the Justice Minister and Federal Attorney-General, Chief Akin Olujimi, and his counterparts at the state level to "desist forthwith from engaging in the initiation and prosecution of criminal cases in the law courts either directly or through police prosecutors posted to the magistrate courts." According to the communique, "NBA holds the position that the exercise by the police of the power of initiation and prosecution of criminal cases constitutes an unwholesome incursion into the exclusive rights and privileges of qualified legal practitioners, who alone should have the right to plead any person's cause in our law courts."

Comment

17. Months later, accusations continue between lawyers and the police, and recent incidents continue to fuel the disputes. Administration of justice is greatly delayed and quick dispensation of justice obviously denied.

CAMPBELL